



POLICE DEPARTMENT CITY OF NEW YORK

September 15, 2016

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Ricardo Dorilus  
Tax Registry No. 954749  
113 Precinct  
Disciplinary Case No. 2015-14503  
-----

**Charges and Specifications:**

1. Police Officer Ricardo Dorilus, while assigned to Patrol Borough Queens South - IRT, while off-duty on or about and between May 31, 2015 and June 1, 2015, conducted an independent investigation into a criminal matter which took place in Nassau County in that he went to a Khol's department store and requested surveillance footage of a petit larceny which took place on May 25, 2015, and requested to speak to the employee who translated for the apprehended individual.

GENERAL REGULATIONS

2. Police Officer Ricardo Dorilus, while assigned to Patrol Borough Queens South - IRT, while off-duty on or about June 1, 2015, wrongfully represented himself as an NYPD Officer to a Khol's department store Loss Prevention Officer in Nassau County and stated that he was investigating a petit larceny which took place at that location on May 25, 2015. (As amended orally at trial)

P.G. 203-10, Page 1, Paragraph 5 - GENERAL REGULATIONS

**Appearances:**

For the Department: Daniel Maurer, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Craig Hayes, Esq.  
Worth, Longworth & London, LLP  
111 John Street-Suite 640  
New York, NY 10038

**Hearing Date:**

August 10, 2016

**Decision:**

Guilty

**Trial Commissioner:**

ADCT Nancy R. Ryan

**REPORT AND RECOMMENDATION**

The above-named member of the Department appeared before me on August 10, 2016. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

**DECISION**

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondent, having pleaded Guilty, is found Guilty as charged.

**SUMMARY OF EVIDENCE IN MITIGATION**

Respondent testified that at the time of this incident, he had been a police officer for a little less than two years. He became involved in this incident when he received a phone call from his [REDACTED] asking him to see if he could help out a family friend who had been arrested for petit larceny in a Kohl's store on Long Island. His [REDACTED] told him the arrest stemmed from a language barrier over a layaway purchase. Respondent went with the friend, who he also had known for about five years, to the Kohl's store. The loss prevention manager was not present on that day, so Respondent returned to Kohl's by himself on the following day. On this second visit, he identified himself to the loss prevention officer as an NYPD officer investigating a petit larceny. He provided her with his Department ID, which she copied, and with his work email address. (Tr. 6-9, 12, 18-

22) He requested a copy of the store's video footage of the incident, which they provided to him. He also inquired as to whether the store had had anyone attempt to translate for the friend and explained the idea that the problem had arisen because of a language barrier. He was told there had been no one on staff to translate. He ultimately helped the friend find an attorney and gave the attorney the video. (Tr. 9-10, 17)

Respondent testified that he never tried to get anyone to drop the charges or change their story. Nor, according to his testimony, did he ever contact the Nassau County Police about the case. (Tr. 10-11, 17) He explained that at the time of this incident, he was a new police officer and thought he was doing "something right," but after reflecting on it, he now realizes he made a mistake. He further testified that it would never happen again. (Tr. 11) He acknowledged on cross-examination that he now appreciates that his actions could have jeopardized the integrity of a criminal investigation. (Tr. 19)

When asked what his goal in the hearing was, Respondent stated, "The reason I am here today is because, as I stated before, I am a new police officer with only ten vacation days a year, and I do feel like not being able to take vacation for two years, for a maximum of 20 days, I am just here to ask the Court to possibly reduce my sentence." (Tr. 12)

The defense position is that the penalty in this case should be mitigated for several reasons. Counsel emphasized that at the time of the incident, Respondent was a new police officer and the request to become involved came from his [REDACTED]. It was also asserted that the fact that Respondent was not trying to hide who he was, since he allowed the loss prevention officer to copy his ID and provided his work email, shows

that he was unaware that what he was doing was wrong at the time. The defense pointed out that there was no evidence that he tried to influence anyone in the case but merely had good intentions to try to explain the situation to the loss prevention officer. Finally, the defense noted that Respondent had high evaluations from superior officers.

The Department's position is that Respondent offered no mitigating factors but simply expressed his belief that it would be unfair to lose all his vacation days. They argued that Respondent's actions jeopardized the integrity of a criminal case and requested that the penalty of the forfeiture of 20 vacation days be imposed.

Respondent's actions in this case did interfere with a criminal investigation and constituted serious misconduct. I reject the defense position that the penalty should be mitigated since Respondent had only been on the force for a relatively short time and that this, in essence, was a "rookie" mistake. It could be argued just as easily that the Respondent, having more recently graduated from the Police Academy, should have perhaps been even more aware that he should not improperly involve himself in a criminal matter in another jurisdiction.

I also reject the fact that the request to get involved came from a close family member as a mitigating factor. An officer's response to a request to commit misconduct should not be excused because it was someone close to him who made the request.

I do find that Respondent was sincere in his testimony that he now understands his actions were wrong and in his statement that he would not commit this misconduct in the future. This is reason for some mitigation in a penalty. However, a penalty of the forfeiture of 20 vacation days can already be seen as a reduction from a recently negotiated penalty in a similar case. In a recent case, a thirteen-year police officer, with

no prior formal disciplinary history, negotiated a penalty of twenty-five (25) vacation days for misrepresenting that he was on official Department business in order to gain entry to a private vehicle auction. Disciplinary Case No. 2014-12634, signed January 8, 2016

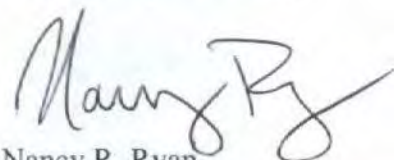
I therefore recommend a penalty of the forfeiture of 20 vacation days.

### PENALTY RECOMMENDATIONS

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 9, 2013. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.


Accordingly, I recommend that Respondent's penalty be the forfeiture of 20 vacation days.

Respectfully submitted,



Nancy R. Ryan  
Assistant Deputy Commissioner Trials

**APPROVED**

NOV 17 2016  
  
JAMES P. O'NEILL  
POLICE COMMISSIONER





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER RICARDO DORILUS  
TAX REGISTRY NO. 954749  
DISCIPLINARY CASE NO. 2015-14503

Respondent was appointed to the Department on July 9, 2013. His last three evaluations were 3.5 overall ratings of "Highly Competent/Competent."

[REDACTED]  
[REDACTED] He has no prior formal disciplinary record.

For your consideration.

Nancy R. Ryan  
Assistant Deputy Commissioner Trial